



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 29, 2023

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep't of State et al.*,
22 Civ. 3003 (KPF)

Dear Judge Failla:

This Office represents defendants the U.S. Department of State ("State"), the U.S. Department of Homeland Security ("DHS"), and the Office of the Director of National Intelligence ("ODNI"; collectively with State and DHS, "Defendants" or the "Agencies") in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University ("Plaintiff") pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

I write respectfully to provide a status update pursuant to the Court's order dated July 31, 2023. *See* Dkt. No. 35. As stated in Defendants' previous status update, State has completed its production of records that were subject to consultations. *See* Dkt. No. 34. However, DHS and ODNI continue to await certain responses to consultations with other agencies and components, which they continue to follow up on regularly.

The status for DHS and ODNI is as follows:

- (1) DHS: On September 28, 2023, DHS issued an interim response and accompanying production of 6 pages returned from consultations. After the most recent interim production, DHS has 9 remaining pages pending consultation. DHS continues to follow up on these consultations regularly and intends to issue a response to Plaintiff within 14 days of receiving the relevant consultation responses.
- (2) ODNI: Seven responsive records that ODNI sent out for consultation to another agency have not yet been returned. ODNI continues to follow up on these records regularly and intends to issue a response to Plaintiff within 14 days of receiving the relevant consultation responses.

Pursuant to the Court's order dated September 28, 2022, the Agencies will provide another status update in 60 days. If all outstanding consultation requests are completed and responses issued to Plaintiff before that date, Defendants respectfully propose to provide a status report to the Court within 14 days of the issuance of the final response.

Thank you for your consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Samuel Dolinger
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cc: Counsel of record (via ECF)

The Court is in receipt of the above status update.
Defendants shall submit a further update on or before the
earlier of **November 28, 2023**, or 14 days after Defendants
issue their final responses to Plaintiff.

Dated: October 2, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE